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Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE

# SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1972

No. 72-842

JAMES BRADLEY,

*Petitioner,*

v.

STATE OF FLORIDA,

*Respondent.*

## PETITION FOR RE-HEARING

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Comes now the Petitioner, JAMES BRADLEY, by and through his undersigned attorney of record, and pursuant to Rule 58(2) of the United States Supreme Court, files this his Petition for Re-hearing from the Order of this Court dated April 2, 1973, wherein this Court denied Certiorari, and for grounds would state the following intervening circumstances which counsel for Petitioner deems to be substantial or controlling, to-wit:

1. That the response of the State of Florida in erroneously asserting to this Court that Federal claims under the Fourth and Fourteenth Amendments were first raised in the Petition for Certiorari, is in and of itself an intervening circumstance of substantial or controlling effect upon the ripeness of the Federal Constitutional questions which were in fact raised at the trial and State Appellate Court level.

2. The present lack of uniformity in Florida of pre-trial criminal procedural rights which tolerates preliminary hearings in Dade County and denies the same in Volusia County, Florida, by reason of the conflicting decisions in the case of *Pugh v. Rainwater*, 332 F. Supp. 1107, and the case at Bar, constitutes an intervening circumstance of substantial effect upon the Constitutional rights raised by Petition in his Writ of Certiorari.

Respectfully submitted,

DAN R. WARRAN
Post Office Box 2265
Daytona Beach, Florida 32015
*Attorney for Petitioner*

## CERTIFICATE OF GOOD FAITH

Comes now the undersigned, counsel for Petitioner, and certifies that the Petition for Re-hearing is presented in good faith and not for delay; counsel further certifies that the Petition for re-hearing is restricted to the grounds above specified.

DAN R. WARREN
Post Office Box 2265
Daytona Beach, Florida 32015
*Attorney for Petitioner*